



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105

January 27, 2012

Certified Mail Number: 7009 0820 0001 6717 0796
 Return Receipt Requested

Kelvin Kin-Fun Shum
 2401 Ingalls St.
 San Francisco, CA 94124

Re: 104(e) Request for Information - Yosemite Creek Superfund Site
 Real Property located at 1395 Yosemite Ave., San Francisco, CA 94124
 San Francisco County, California

Dear Kelvin Kin-Fun Shum:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to actual or threatened releases of hazardous substances, pollutants, and contaminants at the Yosemite Creek Superfund Site ("Site") which is located in San Francisco, California. We are sending you this letter because we believe that you may have information that will assist EPA in its investigation of the Site. EPA respectfully requests that you answer the questions contained in Enclosure B to this letter. For your information, definitions and instructions on how to respond to the questions are provided in Enclosure A.

For purposes of conducting Superfund investigations, please note that EPA has broad information-gathering authority which allows the agency to require persons or companies to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person or company to pay for or perform a cleanup.

Although we fully expect that you will comply with our request for information voluntarily, please note that your compliance with this information request is required by law. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$37,500 per day of noncompliance. Please note that the provision of false or fraudulent statements may

subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You may believe that some of the information provided in your response should be protected from further disclosure by EPA, due to the information's business or financial nature. If this is the case, please refer to the definitions and instruction enclosure to this letter for guidance on how to mark the relevant part of your response as confidential.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also, 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a).

We encourage you to give this matter its immediate attention and request that you provide a complete and truthful response to this information request within thirty (30) calendar days of its receipt of this letter. Your response to this letter should be made in writing and signed by you or your duly authorized representative.

Your response should include the appropriate name, address, and telephone number of the person to whom EPA should direct future correspondence in regard to this information request. Your response to the information request should be directed to:

Abhik Dutta, Civil Investigator (SFD-7-5)
U.S. EPA, Region 9
75 Hawthorne St.
San Francisco, CA 94105

If you have any questions regarding this letter, please contact Mr. Dutta at (415) 972-3318 or you may send him an email at dutta.abhik@epa.gov. Questions regarding the Site's cleanup status should be directed to the Remedial Project Manager, Craig Cooper, at (415) 947-4148 or cooper.craig@epa.gov. Questions regarding legal matters can be directed to Thanne Cox at (415) 972-3908 or cox.elizabeth@epa.gov. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in dark ink that reads "Kathi Moore". The signature is written in a cursive, flowing style. The first name "Kathi" is written with a large, prominent "K" and the last name "Moore" follows in a similar cursive script.

Kathi Moore, Manager
Case Development / Cost Recovery Section
Site Cleanup Branch
Superfund Division

Enclosures (2):

Enclosure A (Instructions and Definitions)
Enclosure B (Information Request)

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this information request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this information request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available will be considered non-compliance with this information request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing its answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this information request become known or available to you after you respond to this information request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of you, your entity, its attorneys and consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim as confidential, you must separately address the following points:
 - (a) Clearly identify the portions of the information alleged to be entitled to confidential treatment;
 - (b) Identify the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);

- (c) Identify measures taken by you to guard against the undesired disclosure of the information to others;
- (d) Explain the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- (e) Provide pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- (f) State whether you assert that disclosure of the information would likely result in substantial harmful effects to your competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
- (g) To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.
- (h) All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that the information is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

9. Disclosure to EPA's Authorized Representatives. Information that you submit in response to this information request may be disclosed by EPA to authorized representatives of the United States pursuant to 40 C.F.R. §2.310(h) even if you asserts that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

GRB Environmental Services, Inc.
EPA Contract Number EPR90603

Department of Toxic Substances Control/California
Environmental Protection Agency

Toeroek & Associates, Inc.
EPA Contract Number BPA-11-W-001

CH2M Hill, Inc.
EPA RAC Contract Number EP-S9-08-04

Any subsequent additions or changes in EPA contractors who may have access to your response to this information request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's potential disclosure of any confidential information to its authorized representatives within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the information request, it is still required to respond to each of the questions.

Definitions Applicable to Enclosure B, Information Request:

20. Any reference to “you” or “Respondent” should be interpreted to include, but not be limited to, all owners, officers, managers, employees, contractors, assigns, agents, trustees, predecessors, successors, subsidiaries, operating divisions, affiliates and branches.
2. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term “documents” includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

ENCLOSURE B: INFORMATION REQUEST

EPA has determined that Kelvin Kin-Fun Shum currently owns real property adjacent to or within the boundaries of the Site (San Francisco County Assessor Parcel(s) 4846 018).

1. Please provide documentation of Kelvin Kin-Fun Shum's, occupancy at parcel(s) 4846 018 including when Kelvin Kin-Fun Shum purchased parcel(s) 4846 018 and when it initiated operations at the property.
2. Please describe the general nature of Kelvin Kin-Fun Shum's operations at parcel(s) 4846 018.
3. Please provide any information regarding the use and storage of chemicals at your facility. Specifically provide information regarding the use and storage of polychlorinated biphenyls (PCBs), including any materials or chemicals containing PCBs, with respect to parcel(s) 4846 018.
4. Please describe Kelvin Kin-Fun Shum's current and past waste disposal methods, specifically the disposal of PCBs, including chemicals and materials containing PCBs, with respect to parcel(s) 4846 018.
5. Please identify the previous owner and/or tenant of parcel(s) 4846 018. Describe the prior owner/tenant's operations at the property and provide chemical usage and disposal practices of the previous owner/tenant.